

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

May 30, 2003

IN RE:

**PETITION FOR APPROVAL OF
INTERCONNECTION AGREEMENT AND
AMENDMENT THERETO BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC.
AND ONEPOINT COMMUNICATIONS-
GEORGIA, LLC AND ONEPOINT
COMMUNICATIONS-GEORGIA D/B/A
VERIZON AVENUE**

**DOCKET NO.
03-00109**

**ORDER APPROVING
INTERCONNECTION AGREEMENT AND FIRST AMENDMENT**

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 12, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection agreement and the first amendment thereto negotiated between BellSouth Telecommunications, Inc. and OnePoint Communications-Georgia, LLC and OnePoint Communications-Georgia, LLC d/b/a Verizon Avenue.

The original interconnection agreement between these parties was filed on February 6, 2003, and was assigned Docket No. 03-00109. The first amendment was filed on April 21, 2003, in Docket No. 03-00109.

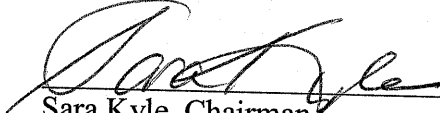
Based upon a review of the agreement and the first amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

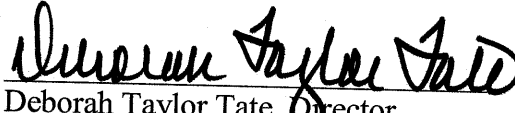
- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The agreement and amendment are in the public interest as they provide consumers with alternative sources of telecommunications services within the service area of BellSouth Telecommunications, Inc.
- 3) The agreement is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement and the amendment are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.
- 6) The agreement and amendment are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

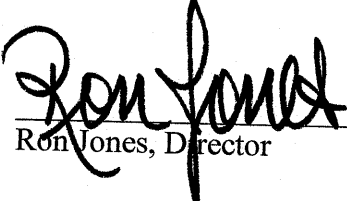
¹ See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the interconnection agreement and first amendment thereto negotiated between BellSouth Telecommunications, Inc. and OnePoint Communications-Georgia, LLC and OnePoint Communications-Georgia, LLC d/b/a Verizon Avenue is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Ron Jones, Director